

REMARKS/ARGUMENTS

Reconsideration and allowance of the application as amended is respectfully requested.

Claim Rejections - 35 USC § 102

The Examiner has rejected Claims 1-14 under 35 USC § 102(e) as being anticipated by Brown, US Patent Number 6859215. Brown is a method for specifying an electronic food menu. As defined in the claims, what is meant by specifying is that a unique menu is presented to each particular customer. This is accomplished by retrieving menu items from an electronic data storage medium. The retrieved menu items are compared with previously stored information about the food preferences of the particular customer. Then a food menu is presented which is tailored for the particular customer viewing it, with indicators which show which of the food items do not satisfy the previously stored preferences, and which do satisfy the previously stored food preferences of that particular customer.

The Examiner cites Claims 1-14. The description above applies to Claim 1, and Claims 2-14 add various further refinements of the menu which is prepared and presented for a particular customer, with the particular customer's food preferences in mind.

In looking at our claims and reading over the past discussions with the Examiner, we believe that our previous claim language could have been interpreted to have similarities with Brown. The invention we are trying to define is very different from Brown, and the current revisions of the claims attempt to make those differences more clear. The current invention is not a system that presents a menu which is tailored for each customer, for one thing. It presents a single menu to all customers entering a restaurant establishment. What is unique about the

RESPONSE TO OFFICE ACTION - 7

restaurant format of the current invention is that every item listed on the menu can be prepared to fit a customer's chosen diet regimen. This is different than the concept of allowing the customer to choose specific ingredients, specific cooking methods, and specific side dishes. For instance, in some restaurants you could specify wheat versus sourdough bread, grilled versus charbroiled hamburger patty, beef versus a buffalo meat hamburger patty, baked rather than deep fat fried french fries, or you could specify sweet potato fries versus potato fries. Having the customer specify each of the ingredients and cooking processes and side dishes is not what this invention is about. This invention is about the customer being able to say that he wants a hamburger cooked to meet a heart-friendly diet. Once that selection is made, the kitchen has the capability of making all those selections of ingredients, condiments, cooking methods and side dishes for him, and a hamburger is presented which fits the menu that he has specified. It is not "we will make it as you direct us", it is "select which diet regimen you want, and all other choices will be selected to meet that criteria".

We have revised the claims to more clearly define this concept, and to make it different from a restaurant which will make anything to order. It is also not a restaurant format as described in Brown, which uses information from previously recorded preferences of a customer in order to present an individually tailored menu to each customer.

We think the further clarifications we have made in the claims have more clearly the differentiated the invention from the Brown menu system, and we request that this rejection be removed.

Claim Rejections - 35 USC § 103

The Examiner has rejected Claims 15-17 as being obvious in view of Brown combined with Tsai US Patent Number 6016741.

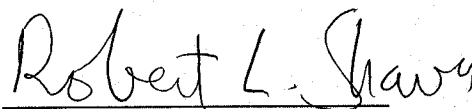
Brown has been described above. Tsai is an electric grill for cooking hamburgers which has the capability of draining fat. The combination of these two patents does not result in an invention even remotely similar to the restaurant format of the current invention. However, in view of the Examiner's analysis, we have revisited Claims 15-17 to further clarify the differences between the current invention and any possible restaurant format that would result from combining Tsai and Brown. With the changes in the claims, we believe that a §103 rejection is not appropriate, and we request that this rejection be withdrawn and the patent claims be allowed.

CONCLUSION

For all the reasons given above, applicants respectfully submit that the errors in the specification are corrected. Accordingly, applicants submit that this application is now in full condition for allowance, which action applicants respectfully solicit. If the Examiner feels it would advance the application to allowance or final rejection, she is invited to telephone the undersigned at the number given below.

DATED this 29th day of November 2006.

Very respectfully,



ROBERT L. SHAVER

Reg. No. 42,145

(208) 345-1122